

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

JOHNSON CITY ENERGY AUTHORITY *
d/b/a BRIGHTRIDGE, *
Plaintiff/Counter-Defendant, *

VS. *

UNITED TELEPHONE SOUTHEAST, LLC, *
d/b/a CENTURYLINK, *
Defendant/Counter-Plaintiff. *

CASE NO.
2:20-cv-00030

COMPRESSED COPY

DEPOSITION OF

MARCIA BUCKLES

(Taken November 30, 2022)

APPEARANCES:

COUNSEL FOR BRIGHTRIDGE:

JOSEPH B. HARVEY
WILLIAM C. BOVENDER
HUNTER, SMITH & DAVIS
1212 North Eastman Road
Kingsport, TN 37664

COUNSEL FOR CENTURYLINK:

GARY L. EDWARDS
BAKER DONELSON
602 Sevier Street, Ste. 300
Johnson City, TN 37604

ALSO APPEARING:

JEFF DYKES
Chief Executive Officer
BrightRidge

COURT REPORTING AND VIDEO SERVICES

P. O. Box 7481
Kingsport, TN 37664

TELEPHONE: (423) 230-8000
REBECCA@COURTREP.NET

DEPOSITION
11-30-22

MARcia BUCKLES
BRIGHTRIDGE v. CENTURYLINK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

JOHNSON CITY ENERGY AUTHORITY #
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1212 North Eastman Road
Kingsport, TN 37664

COUNSEL FOR CENTURYLINK: GARY L. EDWARDS
BAKER DOWNSON
602 Sevier Street, Ste. 1
Johnson City, TN 37604

ALSO APPEARING:
P. O. Box 7481
Kingsport, TN 37664
JEFF DYKES
Chief Executive Officer
Brightridge

COURT REPORTING AND VIDEO SERVICES
P. O. Box 7481
Kingsport, TN 37664
TELEPHONE: (423)

1 C A P T I O N
2
3 The deposition of MARCIA BUCKLES was taken pursuant to
4 notice in the Johnson City, Tennessee law offices of Baker
5 Donelson beginning at 9:00 a.m. on Wednesday, November 30,
6 2022, for use at any trial, hearing or proceeding involving
7 this matter, and for any purpose allowable by and pursuant to
8 the Federal Rules of Civil Procedure.
9 The witness was sworn by Rebecca Overbey, Licensed Court
10 Reporter in and for the State of Tennessee. It is agreed that
11 Rebecca Overbey, Licensed Court Reporter, may take this
12 deposition by electronic recording equipment; transcribe the
13 same to typewriting, using computer technology; and affix the
14 signature of the witness hereto.
15 All other formalities are waived.
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I N D E X O F E X H I B I T S
D E P O S I T I O N O F M A R C I A B U C K L E S

1 MARCIA BUCKLES, the witness, having first been duly sworn,
2 testified as follows:
3 DIRECT EXAMINATION BY MR. JOSEPH B. HARVEY:
4 Q. Good morning, Ms. Buckles. We met just a moment ago off
5 the record. Again, my name is Joe Harvey, and I am one of
6 the attorneys who is representing BrightRidge in the
7 lawsuit between BrightRidge and CenturyLink, and I'm going
8 to be taking your deposition this morning. For the
9 record, would you please state your full name?
10 A. Marcia Buckles.
11 Q. And what is your current business address?
12 A. 2501 1st Street, Johnson City.
13 Q. And is that where your office is located?
14 A. Yes.
15 Q. And what is your current home address?
16 A. 712 Summer Sound Road, Piney Flats, Tennessee.
17 Q. Ms. Buckles, have you ever been deposed before?
18 A. Yes.
19 Q. How many times have you had your deposition taken?
20 A. Once.
21 Q. When you had your deposition taken previously, was that
22 related to your employment with CenturyLink?
23 A. Yes.
24 Q. What was the nature of that case?
25 A. It was about a road project in Abingdon, Virginia and VDOT

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1 Q. Other than Ms. Burgoyne, who else is in the group that
2 processes pole attachment?
3 A. I don't know.
4 Q. Where is Ms. Burgoyne located, her office?
5 A. I don't know.
6 Q. Do you work with Ms. Burgoyne on a regular basis?
7 A. Not very often.
8 Q. Just let me make sure I understand. So if BrightRidge
9 were to approach you to ask about making an attachment to
10 a CenturyLink pole, all you would do is forward that to
11 the group that processes pole attachments?
12 A. Yes. It's usually a piece of paper. They send a piece of
13 paper and then we just forward it on.
14 Q. Do you do anything with that paper? Do you process it or
15 analyze it in any way before you forward it on or do you
16 just forward it?
17 A. Just forward it on.
18 Q. After you have forwarded that paper to the group that
19 processes pole attachment requests, do you have any
20 further involvement in the process?
21 A. No.
22 Q. They don't come back to you for any reason to ask your
23 input on the attachment?
24 A. They haven't. I haven't had one in a while.
25 Q. When was the last time you think you had a request?

17

1 A. I couldn't say.
2 Q. More than a week?
3 A. Oh, yes.
4 Q. More than a month?
5 A. Yes.
6 Q. Has it been more than a year do you think?
7 A. No, probably not.
8 Q. Do you have any specific duties related to joint use
9 poles? And let me back up a little bit. Do you know what
10 a joint use pole is?
11 A. It's a pole that either company -- one company owns it,
12 but other companies can attach.
13 Q. Okay. You know, we've talked about pole attachments and
14 your duties on that is just forwarding the request to the
15 pole attachment group. Do your duties involve any other
16 issues related to joint use poles?
17 A. I'm not sure I understand. We get requests from other
18 entities asking to attach to the poles and we process
19 those as well.
20 Q. Okay. If you get a request from another entity to attach
21 to a pole, what do you do with that request?
22 A. Well, usually they've looked at the pole and they tell us
23 if we need to make any adjustments. We're the bottom
24 attacher on the pole and sometimes we have to lower to
25 make room for them to keep the proper separation. I would

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1 forward that on to the group that does that and then send
2 the attachment request so it can be recorded.
3 Q. And is that a different process from the process you
4 described with BrightRidge?
5 A. Not really.
6 Q. It's the same process for other attachers?
7 A. Uh-huh (Affirmative).
8 Q. And who are the other entities from whom you receive...
9 A. It could be Charter. It could be Comcast. Those are the
10 main ones. I deal in areas other than Johnson City, so it
11 could be other power companies.
12 Q. Are there other TVA distributors who make pole attachment
13 requests?
14 A. American Electric Power might.
15 Q. What about BTES?
16 A. BTES.
17 Q. What about BVU?
18 A. I don't work in Bristol, so -- but yes, they could.
19 Q. You make a good point about not working in Bristol. What
20 area do you have? Do you have responsibility for a
21 specific area?
22 A. Uh-huh (Affirmative). Kingsport, Blountville, Bluff City,
23 and Gray -- just part of Gray.
24 Q. Do you have a counterpart at CenturyLink who is
25 responsible for the Bristol area?

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1 A. Yes.
2 Q. And who is that person?
3 A. Richard Howard.
4 Q. At any point during your time as an engineer have you ever
5 had responsibility for the Bristol area?
6 A. Yes.
7 Q. And when was that?
8 A. 2004 to about 2020.
9 Q. Other than forwarding on pole attachment requests, do you
10 have any other duties related to pole attachments?
11 A. I'm not sure what you're asking.
12 Q. In the design work you do, do you -- are you designing
13 where people will attach, where different attachers will
14 place their attachments on joint use poles?
15 A. No. There's a certain -- I'm not sure. Everybody knows
16 where they're supposed to attach. We're supposed to keep
17 a certain distance between attachers and everyone is aware
18 of that.
19 Q. What is that order?
20 A. We're on the bottom. Cable tv would be above us, or any
21 other attachers would be, and power is usually at the very
22 top.
23 Q. Do you have any duties -- in your current position as an
24 engineer at CenturyLink, do you have any duties or
25 responsibilities related to make-ready work?

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1 taller pole. If it were our pole, we would ask for a 2 taller pole, and whoever was asking for the new attachment 3 would be notified, hey, we've got -- in order to 4 accommodate your request, we've got to go with a taller 5 pole. 6 Q. So you're not personally aware of any situation where 7 CenturyLink has said to someone who wanted to attach to a 8 CenturyLink pole, sorry, we can't make that attachment? 9 A. I'm not aware of it. I'm not aware of it. 10 Q. Just let me -- let me go ahead and get my full question 11 out. You're not aware of a situation where CenturyLink 12 has said to someone who wanted to make an attachment to a 13 CenturyLink pole, I'm sorry, we can't allow you to attach 14 because there's not enough space because BrightRidge has 15 made an attachment? 16 A. I am not aware of that. 17 Q. Do you have any opinion or knowledge related to what 18 damages CenturyLink has suffered from BrightRidge's 19 attachments to CenturyLink's pole? 20 A. I don't know. 21 Q. To your knowledge, has CenturyLink incurred any increased 22 maintenance or service costs due to BrightRidge's 23 attachments? 24 A. I don't know. 25 Q. Are you aware of any safety hazards that have been caused	1 Q. Did BVU deploy broadband or high-speed internet equipment 2 in its territory? 3 MR. EDWARDS: Objection. I instruct the witness not to answer 4 related to other attachers outside of the BrightRidge 5 service territory, and that's continuing. 6 Q. Are you going to answer the question? 7 A. No. 8 Q. Are you going to follow your attorney's instruction... 9 A. Yes. 10 Q. ...not to answer the question? 11 A. Yes. 12 Q. And can you explain the basis for your objection? 13 MR. EDWARDS: I have repeatedly explained the basis for our 14 objection. It's set forth in written correspondence with 15 you all, which we would incorporate herein. I do not have 16 to make my arguments in front of the court before you 17 without the judge present, but you are well aware of it. 18 We have engaged in E-mail exchanges that plainly set that 19 forth. 20 Q. And again, you're going to follow your attorney's -- are 21 you going to follow your attorney's instruction not to 22 answer that question? 23 A. Yes. 24 Q. Do you understand that if you refuse to answer that 25 question, we may file a motion with the court and ask that
1 by BrightRidge's attachments to CenturyLink poles? 2 A. I don't know of any. 3 Q. You're not personally aware of any? 4 A. No. 5 Q. Are you aware of any NESC violations that have been caused 6 by BrightRidge's attachments to CenturyLink poles? 7 A. I don't know of any. 8 Q. Do you know how many joint use poles CenturyLink owns in 9 the BrightRidge territory? 10 A. No. 11 Q. Do you know how many joint use poles BrightRidge owns in 12 the BrightRidge territory? 13 A. No. 14 Q. Do you know roughly the ratio of the number of poles that 15 CenturyLink owns and the number of poles that BrightRidge 16 owns? 17 A. No. 18 Q. Are you familiar with BVU? 19 A. Yes. 20 Q. If I refer to BVU, you'll understand I'm referring to the 21 utility provider in Bristol, Virginia, correct? 22 A. Yes. 23 Q. Does CenturyLink own utility poles in the BVU service 24 territory? 25 A. Yes.	1 you be compelled to answer that question, and as a part of 2 that motion we may request that CenturyLink be responsible 3 for our attorney's fees and sanctions in connection with 4 that motion? 5 A. Yes. 6 Q. And are you still going to refuse to answer the question? 7 A. Yes. 8 Q. When did BVU deploy broadband or high-speed internet 9 equipment in its service territory? 10 MR. EDWARDS: Same objection. We have indicated we're not 11 having the witness -- we're instructing the witness not to 12 answer as to any questions related to broadband or any 13 other attachers, including these electric utilities, 14 outside of the BrightRidge service territory. That 15 applies to all this line of questioning, whether it be 16 BVU, BES, whoever else you want to ask outside of the 17 BrightRidge service territory. 18 Q. Are you going to follow your attorney's instruction not to 19 answer that question? 20 A. Yes. 21 Q. What type of equipment did BVU attach to CenturyLink owned 22 poles? 23 MR. EDWARDS: Same objection. 24 Q. Are you going to answer that question? 25 A. No.

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1 Q. What was your role with CenturyLink when BVU deployed its
2 internet equipment?
3 MR. EDWARDS: Same objection.
4 Q. Are you going to answer that question?
5 A. No.
6 Q. You're not going to answer the question what was your role
7 with CenturyLink when BVU deployed its internet equipment?
8 MR. EDWARDS: Same objection.
9 A. No.
10 Q. Are you refusing to answer that question?
11 A. Yes.
12 Q. Did you work with BVU on behalf of CenturyLink during the
13 time that BVU was installing its internet attachments?
14 MR. EDWARDS: Same objection.
15 Q. Are you refusing to answer that question?
16 A. Yes.
17 Q. Let me show you what we've marked as Exhibit 24.
18 COURT REPORTER: Do you want to make this number two to her
19 deposition?
20 Q. Let's just make it -- if it's all right with you, we're
21 going to have a uniform numbering system so all the
22 exhibits have a consistent number throughout all the
23 depositions.
24 MR. EDWARDS: That's fine.
25 Q. They may not be sequential.

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1 EXHIBIT #24: 1980 agreement between Bristol Virginia
2 Utilities Board and United Inter-Mountain Telephone
3 Company.
4 Q. I'm handing you what we've marked as Exhibit 24. I
5 understand that's not sequential, but we're going to use a
6 consistent numbering system through all the depositions.
7 I'll give you a minute to look at what we've marked as
8 Exhibit 24. Just let me know when you're ready.
9 A. I'm ready.
10 Q. Do you recognize what we've marked as Exhibit 24?
11 MR. EDWARDS: Objection. I'm instructing the witness not to
12 answer as it relates to BVU's contract with CenturyLink
13 for which BrightRidge is not a party or a beneficiary.
14 Q. Are you refusing to answer that question?
15 A. Yes.
16 Q. Before 2018, did CenturyLink or the telephone company have
17 any agreement with BVU related to BVU's internet
18 attachments to CenturyLink owned poles?
19 MR. EDWARDS: Same objection.
20 Q. Are you refusing to answer that question?
21 A. Yes.
22 Q. Did CenturyLink or the telephone company ever have any
23 agreement with BVU for BVU's attachments to CenturyLink
24 owned poles besides what we've marked as Exhibit 24?
25 MR. EDWARDS: Same objection.

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1 Q. Are you refusing to answer that question?
2 A. Yes.
3 Q. Other than what we've marked as Exhibit 24, are you aware
4 of any agreements between the telephone company and BVU
5 related to pole attachments?
6 MR. EDWARDS: Same objection.
7 Q. Are you refusing to answer that question?
8 A. Yes.
9 Q. Does the telephone company have an agreement with any
10 entity for internet attachments to CenturyLink poles in
11 the BVU service territory?
12 MR. EDWARDS: Same objection.
13 Q. Are you refusing to answer that question?
14 A. Yes.
15 Q. Are you aware that BVU attached its internet equipment in
16 the communications zone of CenturyLink owned poles?
17 MR. EDWARDS: Same objection.
18 Q. Are you refusing to answer that question?
19 A. Yes.
20 Q. CenturyLink was aware that BVU attached its internet
21 equipment in the telephone zone of CenturyLink owned
22 poles, correct?
23 MR. EDWARDS: Same objection.
24 Q. Are you refusing to answer that question?
25 A. Yes.

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1 Q. Did CenturyLink perform pole attachment audits between
2 2000 and 2018?
3 MR. EDWARDS: What area are you referencing?
4 Q. Any area.
5 MR. EDWARDS: I would instruct the witness to limit it to the
6 BrightRidge service area.
7 A. So what time frames?
8 Q. Well, that's not my question. My question is did
9 CenturyLink perform any pole attachment audits between
10 2000 and 2018.
11 MR. EDWARDS: And my objection is I'm instructing the witness
12 not to answer as to any service area outside of the
13 BrightRidge service territory.
14 A. As it pertains to BrightRidge, I am aware of pole
15 attachment audits in the BrightRidge footprint in that
16 time frame.
17 Q. Are you aware of pole attachment audits in the BVU service
18 territory in the 2000 to 2018 time frame?
19 MR. EDWARDS: Same objection.
20 Q. Are you refusing to answer that question?
21 A. Yes.
22 Q. Did CenturyLink require BVU to enter into a new agreement
23 separate from the 1980 joint use agreement before BVU
24 attached its internet equipment on CenturyLink poles in
25 the telephone zone?

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1 MR. EDWARDS: Same objection.
2 Q. Are you refusing to answer that question?
3 A. Yes.
4 Q. BVU did not pay an additional attachment fee to
5 CenturyLink for attachments to CenturyLink's poles other
6 than the yearly attachment fee required by the 1980
7 agreement, correct?
8 MR. EDWARDS: Same objection.
9 Q. Are you refusing to answer that question?
10 A. Yes.
11 Q. CenturyLink did not invoice BVU separately for its
12 internet attachments in the telephone zone of CenturyLink
13 owned poles, correct?
14 MR. EDWARDS: Same objection.
15 Q. Are you refusing to answer that question?
16 A. Yes.
17 Q. Were you involved at all in invoices that were sent to
18 entities who had attachments on CenturyLink poles?
19 MR. EDWARDS: We would instruct the witness not to answer to
20 the extent that question relates outside of the
21 BrightRidge service territory.
22 Q. All right. Do you accept the limitation that your counsel
23 has given?
24 A. I do.
25 Q. And are you refusing to answer the question that I asked
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1 without that limitation?
2 A. Yes, I'm refusing to answer that without that limitation.
3 Q. Okay. Go ahead and answer.
4 A. So ask it again now.
5 Q. Sure. Are you -- can you read the question back? It's
6 related to invoices.
7 COURT REPORTER: Since I'm digitally recording, it will take a
8 little while.
9 Q. Okay.
10 COURT REPORTER: I'm sorry.
11 Q. Were you involved in sending invoices to any entities who
12 had attachments on CenturyLink owned poles?
13 A. With regard to Brightspeed, I'm not involved with
14 invoicing for attachment fees.
15 Q. And you said Brightspeed. Is that...
16 A. BrightRidge.
17 Q. You meant -- you meant BrightRidge?
18 A. I meant BrightRidge.
19 Q. You just got Brightspeed and BrightRidge confused?
20 A. No, no. It's a lot of tech' -- a lot of conflicting
21 questions asked in different ways and it's got me a little
22 flustered.
23 Q. Okay. My intent is not to get you flustered at all, so I
24 don't want you to be flustered. If we need to take a
25 break, or slow down, or anything, you just let me know.
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1 It's not my intent to cause you any distress.
2 A. Okay.
3 Q. To your knowledge, did CenturyLink and BVU have a separate
4 agreement for BVU's internet attachments on CenturyLink
5 poles that was separate from the contract for BVU's
6 electric attachments?
7 MR. EDWARDS: Same objection.
8 Q. Are you refusing to answer that question?
9 A. Yes.
10 Q. Was BVU required to pay a separate attachment fee for its
11 internet attachments in the telephone zone of CenturyLink
12 owned poles?
13 MR. EDWARDS: Same objection.
14 Q. Are you refusing to answer?
15 A. Yes.
16 Q. Did BVU sell its broadband or high-speed internet
17 system?
18 MR. EDWARDS: Same objection.
19 Q. Are you refusing to answer that question?
20 A. Yes.
21 Q. What, if anything, do you know about BrightRidge's
22 corporate formation?
23 A. Nothing.
24 Q. Are you familiar with the Tennessee Energy Authority Act?
25 A. No.
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1 Q. What, if anything, do you know about BrightRidge's
2 corporate structure?
3 A. Nothing.
4 Q. Do you know if BrightRidge has any parent or subsidiary
5 organizations?
6 A. I don't.
7 Q. Do you know if BrightRidge has different divisions or
8 departments?
9 A. I don't.
10 Q. Do you know what services BrightRidge is authorized to
11 supply to its customers?
12 A. I don't.
13 Q. Are you familiar with the Johnson City Power Board?
14 A. The name and that they are the power company.
15 Q. Do you believe that there's any difference between the
16 Johnson City Power Board and BrightRidge?
17 A. I don't know.
18 Q. Are you familiar with the Johnson City Energy Authority?
19 A. No.
20 Q. Are you aware of any difference between the Johnson City
21 Energy Authority and BrightRidge?
22 A. No.
23 Q. Are you aware of any distinction between BrightRidge
24 broadband and BrightRidge electric service from a
25 corporate standpoint?
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1 Q. Are you familiar with BTES's high-speed internet service?	1 A. I do.
2 MR. EDWARDS: Objection, instruct the witness not to answer	2 Q. Does CenturyLink recognize that obligation?
3 for the reasons -- the same objection previously	3 A. Yes.
4 discussed.	4 Q. How many poles did CenturyLink replace in 2021 under this
5 Q. Are you refusing to answer that question?	5 provision?
6 A. Yes.	6 A. I couldn't tell you.
7 Q. Does any portion of BTES's internet system pass through	7 Q. Do your duties in engineering involve orders for
8 the telephone zone on CenturyLink owned poles?	8 replacement of poles?
9 MR. EDWARDS: Same objection.	9 A. Yes.
10 Q. Are you instructing the witness not to answer?	10 Q. Roughly how many pole replacements did you handle in
11 MR. EDWARDS: Yeah, that's the objection.	11 2021?
12 Q. Are you refusing to answer?	12 A. I don't know. Many.
13 A. Yes.	13 Q. More than 500?
14 Q. Are you involved at all with the attachment fees that	14 A. I wouldn't say that many.
15 CenturyLink charges to BTES for its attachments?	15 Q. More than 100?
16 MR. EDWARDS: Same objection.	16 A. Possibly.
17 Q. Are you instructing the witness not to answer?	17 Q. More than 50?
18 MR. EDWARDS: Yeah. When I say that, that's what that means.	18 A. Definitely.
19 Q. Okay. Are you refusing to answer?	19 Q. Can we take about a five minute break? I think we're
20 A. Yes.	20 about ready to wrap up.
21 Q. If you turn to Page 5 of Exhibit 5, using the court's	21 ***OFF THE RECORD***
22 pagination is PageID #147, in Article VII, Section K,	22 DIRECT EXAMINATION CONTINUES BY MR. HARVEY:
23 which is Section 14, about an eighth of the way down the	23 Q. Ms. Buckles, thank you for your time this morning. I
24 page, it says, quote, "K. Each party agrees to respond to	24 don't have any further questions, so unless Mr. Edwards
25 emergency situations (i.e. car wreck, fallen trees, etc.)	25 has questions, we're done.

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1 within 90 minutes of notification." Do you see that?	1 MR. BOVENDER: Thank you.
2 A. I do.	2 A. You're welcome.
3 Q. Does CenturyLink respond to emergency situations within 90	3 AND FURTHER THE DEPONENT SAITH NOT.
4 minutes?	4 MARCI BUCKLES
5 A. We certainly try to.	5
6 Q. Has there ever been an occasion where CenturyLink did not	6
7 respond to an emergency situation within 90 minutes?	7 BY: Rebecca Overbey
8 A. I don't know.	8 Licensed Court Reporter
9 Q. Are you personally familiar with any situations where	9
10 CenturyLink has responded to an emergency within 90	10
11 minutes?	11
12 A. Yes. Sometimes I will get the call instead of the 800	12
13 number and I will immediately call and dispatch our	13
14 contractors.	14
15 Q. Are you aware of situations where CenturyLink has not	15
16 responded to emergency situations in 90 minutes?	16
17 A. I am not.	17
18 Q. If you'll go down to the next paragraph, which is	18
19 Paragraph 15, Article VIII, Section A, it says, quote, "A.	19
20 Owner shall, at its own expense, maintain its joint poles	20
21 in a safe and serviceable condition, and in accordance	21
22 with Article IV of this agreement and the requirements of	22
23 the National Electric Safety Code; and shall replace,	23
24 subject to Article VII, such of said poles that become	24
25 defective." Do you see that?	25

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C E R T I F I C A T E

I, Rebecca Overbey, Licensed Court Reporter in and for the State of Tennessee, do hereby certify that the foregoing deposition of MARCIA BUCKLES was taken at the time and place and for the purpose as stated in the Caption; that the witness was duly sworn by me before deposing; that the said deposition was recorded electronically and was later transcribed to typewriting, using computer technology; and that the foregoing is a true and accurate transcript of the proceedings to the best of my knowledge, ability and understanding.

WITNESS my hand and official seal at my office in Kingsport (Sullivan County) Tennessee on this the 5th day of December, 2022.

Rebecca Overbey
LICENSED COURT REPORTER
State of Tennessee
LCR #078

My License Expires:
June 30, 2024

CERTIFIED ONLY IF AFFIXED SEAL IS GREEN

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EXHIBIT #1: 1980 joint use agreement between Johnson City Power Board and United Inter-Mountain Telephone Company.

Page Introduced: 26

EXHIBIT #24: 1980 agreement between Bristol Virginia Utilities Board and United Inter-Mountain Telephone Company.

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EXHIBIT #5: Amendment Number Four.
Page Introduced: 71

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